

Notice of Allowability

Application No.

10/807,640

Applicant(s)

NAKADA, MASAHIRO

Examiner

Francis T. Palo

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Response filed 4/13/06.
2. ☒ The allowed claim(s) is/are 1 and 2.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____

Francis T. Palo

Francis T. Palo
Primary Examiner
Art Unit: 3644

DETAILED ACTION

Election/Restrictions

1. **Claims 3 and 4** are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on 4/13/06.

2. This application is in condition for allowance except for the presence of **claims 3-8 directed** to an invention and species non-elected without traverse.

Accordingly, **claims 3-8 have been cancelled.**

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. **Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312.**

To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the claims:

In claim-1:

In line-16; "fallen in" has been changed to --urged into--.

In line-19; "out" has been changed to --off--.

In the specification:

On page-1, in line-9; "recently" has been changed to --typically--.

In line-10; "appearances" has been changed to --appearance--.

In lines 14 and 27; "a work for" has been deleted.

In line-27; "sprout beans" has been changed to --bean sprouts--.

On page-2, in line-1; "unexpectedly" has been deleted.

In lines 6 and 9; "fall" has been changed to --urge--.

In line-12; "overall" has been changed to --all--.

In line-20; "efficiently cleanly" has been changed to --efficiently and cleanly--.

On page-3, in line-7; "out" has been changed to --off--.

In line-14; "fall" has been changed to --urge--.

In line-22; "remaining the" has been changed to --remaining in--.

In line-24; "become easy to fall" has been changed to --easily fall--.

On page-6, in line-5; "over" has been changed to --under--.

On page-7, in line-28; "out" has been changed to --off--.

On page-8, in line-27; "remaining the" has been changed to --remaining in--.

On page-9, in line-3; "efficiently cleanly" has been changed to
--efficiently and cleanly--.

On line-23; "out" has been changed to --off--.

Allowable Subject Matter

Claims 1 and 2 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art of record all failed to show either alone and/or in combination the instant method of severing roots (of bean sprouts) using an apparatus (table top) having a plurality of ridges which include severing slits in combination with a cutting blade formed to be fitted with each ridge (complimentary shaped cutter blade), as claimed.

JP 2005270091A is the Applicant's Japanese Patent having the same priority date as the instant U.S. Application.

EP 998856A1 and US 6,125,745 to Kawakami teach a severing table having a plurality of ridges (blocks) formed at predetermined intervals wherein the blocks move under a complimentary shaped cutter blades; Kawakami does not teach severing slits in the ridged blocks nor the step of sprinkling water over the severing table to direct roots into the severing slits, as claimed in the instant invention.

US 5,042,195 to Lee teaches a screened surface (slotted) for holding bean sprouts which is conveyed over cutting blades.

The remaining cited foreign and domestic references represent the state-of-the-art and further include similar devices by the Applicant.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Francis T. Palo whose telephone number is 571-272-6907. The examiner can normally be reached on M-Tu.,Th.-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Francis T. Palo

Francis T. Palo
Primary Examiner
Art Unit 3644